

United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk

August 31, 2010

NOTICE TO ALL COUNSEL OF RECORD - VIA FACSIMILE

Case No. 08-16788 - First Vagabonds Church of God, et al. v. City of Orlando, Florida

Dear Counsel:

Enclosed is an order entered by the court directing that this case be reheard en banc. Under Eleventh Circuit Rule 35, the effect of granting rehearing en banc is to vacate the previous opinion and judgment of this court and to stay the mandate.

You will be notified by subsequent correspondence of the schedule for filing en banc briefs, the issue(s) which the court wishes the parties to focus on in their briefs, and any page limitations on them. We will communicate with you at a later time regarding report time and time limitations on oral argument should this case be designated for oral argument.

Sincerely,

THOMAS K. KAHN, CLERK

By: _____
Joyce T. Pope
Calendar Clerk

:jtp

Enclosure

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Clerk, U.S. District Court (MFL-Orlando)
Honorable Gregory A. Presnell

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 08-16788

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 31, 2010 JOHN LEY CLERK
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FIRST VAGABONDS CHURCH OF GOD,
an unincorporated association,
BRIAN NICHOLS,
ORLANDO FOOD NOT BOMBS,
an unincorporated association,
RYAN SCOTT HUTCHINSON,
BENJAMIN B. MARKESON,
ERIC MONTANEZ,
ADAM ULRICH,

Plaintiffs-Appellees,
Cross-Appellants,

versus

CITY OF ORLANDO, FLORIDA,

Defendant-Appellant,
Cross-Appellee,

NATIONAL LAW CENTER ON
HOMELESSNESS & POVERTY,

Amicus.

On Appeal from the United States District Court for the
Middle District of Florida

(Opinion July 6, 2010, 610 F.3d 1274, 11th Cir. 2010)

(August 31, 2010)

BEFORE: DUBINA, Chief Judge, TJOFLAT, EDMONDSON, BLACK, CARNES, BARKETT, HULL,
WILSON, PRYOR and MARTIN, Circuit Judges.*

BY THE COURT:

A member of this Court in active service having requested a poll on the suggestions of rehearing en banc and a majority of the judges in this Court in active service having voted in favor of granting a rehearing en banc,

IT IS ORDER that the above cause shall be reheard by this court en banc. The previous panel's opinion is hereby VACATED.

*Judge Stanley Marcus has recused himself and will not participate.